

3. Fewer than thirty days have elapsed since the Plaintiff served the Defendants with the Complaint, making removal to this Court is timely under 28 U.S.C. § 1446(b).

4. Pursuant to 28 U.S.C. § 1446(b), the Defendants attach a copy of the Complaint and all other known papers filed in the state court action as Exhibit 1.

II. GROUND FOR REMOVAL

A. There is Complete Diversity of Citizenship Between the Parties.

5. This Court has original jurisdiction under 28 U.S.C. §§ 1332 and 1441, as this suit arises between citizens of different states and the amount in controversy exceeds \$75,000.00.

6. According to the Complaint, the Plaintiff is a limited partnership organized and existing under the laws of Delaware. Plaintiff's headquarters and principal address is 240 Route 10 West, Whippany, New Jersey 07891. For diversity jurisdiction purposes, the Plaintiff is a citizen of Delaware and New Jersey under 28 U.S.C. § 1332.

7. Defendant ENI is a corporation organized under the laws of Massachusetts with a principal address at Two International Way, Lawrence, Massachusetts 01843. For diversity jurisdiction purposes, Energy North is a citizen of Massachusetts under 28 U.S.C. § 1332.

8. Defendant Miller is a resident of New Hampshire, who resides at 679 Berry River Road, Barrington, New Hampshire 03825. For diversity jurisdiction purposes, Mr. Miller is a citizen of New Hampshire under 28 U.S.C. § 1332.

9. Defendant Haffner's is a limited liability company organized under the laws of Massachusetts with principal address at Two International Way, Lawrence, Massachusetts 01843. For diversity jurisdiction purposes, Energy North is a citizen of Massachusetts under 28 U.S.C. § 1332.

10. Because the Plaintiff is a citizen of Delaware and New Jersey, ENI is a citizen of Massachusetts, Mr. Miller is a citizen of New Hampshire, and Haffner's Oil Company, LLC is a citizen of Massachusetts, this action is between citizens of different states, consistent with 28 U.S.C. § 1332.

B. The Amount in Controversy Exceeds \$75,000.

11. The Plaintiff seeks to recover damages arising from the Mr. Miller's alleged violation of the non-compete agreement he signed while employed by Plaintiff and for tortious interference with that same contract by ENI. The aggregate amount of the Plaintiff's claim exceeds \$75,000.00, satisfying the amount in controversy.

III. PROCEDURAL PREREQUISITES FOR REMOVAL HAVE BEEN SATISFIED

12. Pursuant to 28 U.S.C. § 1391, venue is proper in the United States District Court for the District of New Hampshire, as the Complaint in this Action was filed in the Superior Court for the State of New Hampshire, Hillsborough County, Southern District.

13. The Defendants are filing a copy of this Notice of Removal with the Superior Court for the State of New Hampshire, Hillsborough County, as required under 28 U.S.C. § 1446(d).

14. This Notice of Removal is signed under Rule 11 of the Federal Rules of Civil Procedure, consistent with 28 U.S.C. § 1446. The statements and allegations herein are true and correct to the best of the knowledge and belief of the undersigned based upon review of the material available.

15. All Defendants properly served to date consent to the removal.

16. Based on the foregoing, the Defendants have met their burden of establishing that this Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332.

17. In removing this action, the Defendants do not intend to waive any rights or defenses to which is otherwise entitled to under the Federal Rules of Civil Procedure.

WHEREFORE, the Defendants remove this action currently pending in the Superior Court of the State of New Hampshire, Hillsborough County, Southern District to this Court and respectfully request that this Court assume jurisdiction of this matter and take all further steps as required to determine this controversy.

Respectfully Submitted,

/s/Christopher T. Hilson
Christopher T. Hilson, Esq.
Donahue, Tucker, & Ciandella, PLLC
16 Acadia Lane
Exeter, NH 083833-4924
Tel: (603) 778-0686
chilson@dtclawyers.com

Erik W. Weibust (*pro hac vice motion to be submitted*)
Ashley Krezmien (*pro hac vice motion to be submitted*)
Epstein, Becker & Green, P.C.
125 High Street, Suite 2114
Boston, MA 02110
Tel: (617) 603-1090
eweibust@ebglaw.com

*Counsel for Defendants Energy North Incorporated
and Joshua Miller*

Dated: January 19, 2023

CERTIFICATE OF SERVICE

I hereby certify that, on January 19, 2023, the foregoing document was filed through the CM/ECF system. The document will be sent electronically to the registered participants, and paper copies will be served via FedEx on those indicated as non-registered participants.

Christopher B. Kaczmarek
Littler Mendelson, P.C.
One International Place, Suite 2700
Boston, MA 02110
ckaczmarek@littler.com

/s/Christopher T. Hilson
Christopher T. Hilson